THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.19480 of 2006

Between:

Nawab Babu Khan.

.. PETITIONER

and

The Station House Officer,
Thukaramgate Police Station and others.

..
RESPONDENTS

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ORDER:

Heard both sides.

It is the case of the petitioner that he is the owner of the land admeasuring Ac.2-7 gts. in Sy.No.74/8 situated at Marredpally, Secunderabad. While so, when respondents 2 to 8 were started interfering with the peaceful possession and enjoyment of the said property, the petitioner filed O.S.No.269 of 2006 on the file of XI Junior Civil Judge, City Civil Court, Secunderabad, seeking perpetual injunction against respondents 2 to 8. In the said suit, he also filed I.A.No.159 of 2006 seeking an ad-interim junction. The learned Judge, through order, dated 05-07-2006, granted interim injunction in favour of the petitioner. To implement the said order, the petitioner filed I.A.No.573 of 2006 in O.S.No.269 of 2006. The learned Judge, through order, dated 14-09-2006, directed the 1st respondent herein to implement the injunction order made in I.A.No.159 of 2006. But, the 1st respondent failed to do so. Hence, this writ petition.

A counter has been filed by the 1st respondent stating that pursuant to the order made in I.A.No.159 of 2006, two constables were sent to the site of the petitioner for providing police protection. However, the petitioner showed the same property, which the 4th respondent is claiming. In fact, the 4th respondent also lodged a complaint on 16-10-2006 against the petitioner. Prior to that, the 4th respondent also filed a suit O.S.No.41 of 2006 and obtained similar orders in I.A.No.148 of 2006 on 05-04-2006 on the file of III Senior Civil Judge, City Civil Court, Secunderabad. In fact, the Mandal Revenue Officer, Marredpally, also filed a Land Grabbing Case vide LGC.No.167/97 against the 2nd respondent, which is still pending.

In view of the aforesaid disputed questions of fact, I am of the opinion that police cannot give any police protection to the petitioner.

Therefore, the writ petition is devoid of merit and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

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26-06-2007

Prv

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